



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

JPL/MRG  
F. #2019R01460

*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 2, 2024

By ECF and E-mail

The Honorable Eric N. Vitaliano  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Javier Aguilar  
Criminal Docket No. 20-390 (ENV)

Dear Judge Vitaliano:

In response to the Court's February 1, 2024, order, the government states that it anticipates calling David Lopez, Esq. at any hearing on foreign law. Mr. Lopez is an expert on the law of Mexico. See ECF Dkt. No. 207-2 (expert report of David Lopez).<sup>1</sup>

The government objects to the defense's stated intention to present testimony from Dr. Marianna Mureddu Gilabert. On June 7, 2023, the Court set an expert witness disclosure deadline for the defense of October 2, 2023, which deadline the defense consented to. ECF Minute Entry for Proceedings June 7, 2023; Transcript of Proceedings Held on June 7, 2023 at 17:6-17, attached hereto as Exhibit A. The defense did not give any notice of its intention to call Dr. Gilabert or any other foreign law expert until nearly four months after the deadline had passed, well after trial was underway. Nor did the defense even note its disagreement with David Lopez's expert report before trial, much less make any effort to raise the novel theories of Mexican law that it now advances. In contrast, the government's expert disclosures were made on May 11, 2023.

Furthermore, according to the defense's letter, Dr. Gilabert's testimony would need to be presented through an interpreter, which would present complications given the importance of terms of art in statutory analysis. In addition, Dr. Gilabert appears to be available only via video conference on February 9, 2024, the day on which the parties and Court had contemplated for the

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<sup>1</sup> The government has also disclosed Keith Rosenn, Esq., as an expert on the law of Ecuador. See ECF Dkt. No. 207-1 (expert report of Keith Rosenn). The government understands that the defendant does not dispute relevant Ecuadorian law and therefore the government does not anticipate calling Mr. Rosenn.

